

CASE NO. 08cv3131

ATTACHMENT NO. 9

EXHIBIT D

TAB (DESCRIPTION) _____

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MATTHEW GRANBERG,)

Plaintiff,)

-vs-

METRA POLICE OFFICER)

DION KIMBLE, STAR #105,)

SERGEANT ALFRED COLLINS, and)

POLICE OFFICER LARRY GEANES,)

Defendants.)

ORIGINAL

) No. 08 CV 3131

The deposition of DEBORAH COLEMAN, called for examination pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Raelene Stamm, a notary public within and for the County of Cook and State of Illinois, at 547 West Jackson Boulevard, 15th Floor, Chicago, Illinois, on the 12th day of June, 2009, at the hour of 9:00 a.m.

Reported by: RAELENE STAMM, CSR

License No.: 084-004445

1 APPEARANCES:

2 ROBERT D. KUZAS, LTD., by
3 MR. JOSEPH T. FITZSIMMONS
4 222 North LaSalle Street, Suite 200
5 Chicago, Illinois 60601
6 (312) 629-1400

7 On behalf of the Plaintiff;

8
9 METRA LAW DEPARTMENT, by
10 MS. JENNIFER J. MAYHEW
11 MS. SUE ANN ROSEN
12 547 West Jackson Boulevard, 15th Floor
13 Chicago, Illinois 60661
14 (312) 322-7064

15 On behalf of the Defendant.

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I N D E X

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WITNESS

EXAMINATION

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DEBORAH COLEMAN

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By Ms. Mayhew

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By Mr. FitzSimmons

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E X H I B I T S

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NUMBER

MARKED FOR ID

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Coleman Deposition Exhibit

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No. 1

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1 (Whereupon, the witness was
2 duly sworn.)

3 DEBORAH COLEMAN,
4 called as a witness herein, having been first duly
5 sworn, was examined and testified as follows:

6 EXAMINATION

7 BY MS. MAYHEW:

8 Q. Could you please state and spell your name
9 for the record?

10 A. Deborah Coleman, D-e-b-o-r-a-h,
11 C-o-l-e-m-a-n.

12 Q. And, Deborah, have you ever given a
13 deposition before?

14 A. No.

15 Q. Okay. There are a few ground rules that I
16 want to go over, okay? We have a court reporter
17 taking down everything that's being said, so I ask
18 that all of your answers please be out loud verbal
19 responses?

20 A. Okay.

21 Q. Because the court reporter can't take down
22 nodding your head, shrugging your shoulders and
23 gestures, okay?

24 A. Okay.

1 Q. If at any time you don't understand a
2 question that I ask, please let me know. I'll be
3 happy to rephrase that question, okay?

4 A. Okay.

5 Q. If you do answer a question that I ask,
6 I'm going to assume that you understood what that
7 question meant; is that all right?

8 A. Okay.

9 Q. If you need a break at any time, please
10 let us know. All I ask is that if a question is
11 pending, answer the question before we take the
12 break.

13 A. Okay.

14 Q. Okay. And one other thing, there may be
15 times where you know where I'm going with my
16 questions, you can kind of anticipate the question
17 before I get it all out there. For the sake of the
18 court reporter because she can only take down one
19 person talking at a time, I ask that you please try
20 to wait until I've completed my question.

21 Likewise, all of this will go for Mr. FitzSimmons
22 as well, wait until we finish the question before
23 answering; and we'll do your best to wait until
24 you've completed your answer before asking another

1 question.

2 A. Okay.

3 Q. All right. Now, Deborah, where do you
4 live?

5 A. 11029 South Parnell.

6 Q. That's in Chicago?

7 A. Chicago, Illinois 60628.

8 Q. All right. And how old are you, Deborah?

9 A. 52.

10 Q. How long have you lived at 11029 South
11 Parnell?

12 A. About -- I've lived there about ten years.

13 Q. Who lives there with you?

14 A. My sister.

15 Q. Anyone else?

16 A. My brother-in-law, my nephew.

17 Q. Do you have any children?

18 A. Yes, I do.

19 Q. How many children do you have?

20 A. Three.

21 Q. Okay. Are they all grown-up?

22 A. Two.

23 Q. What are their ages your children's ages?

24 A. 33, 19 and 17.

1 Q. Okay. Did you graduate high school?

2 A. No.

3 Q. Did you ever get your GED?

4 A. No.

5 Q. Do you have any vocational training?

6 A. I had it, but I forgot.

7 Q. How long ago was that?

8 A. Over 20 years.

9 Q. Deborah, there's some questions that I ask
10 everyone at every deposition, so please don't be
11 offended by these questions, okay?

12 Have you ever been convicted of a felony?

13 A. No.

14 Q. Have you ever been convicted of a crime
15 involving deceit or dishonesty such as retail
16 theft?

17 A. No.

18 Q. Are you employed?

19 A. Yes.

20 Q. Who's your employer?

21 A. Streetwise.

22 Q. And what is Streetwise?

23 A. It's a newspaper.

24 Q. How long have you worked for Streetwise?

7

1 A. 17 years.

2 Q. When you first started working for
3 Streetwise, was there any sort of training or
4 orientation that you went through?

5 A. Orientation.

6 Q. And what is it that you actually do for
7 Streetwise?

8 A. Sell papers.

9 Q. Okay. Are there any particular rules for
10 working with Streetwise?

11 A. Yes.

12 Q. What are some of those rules?

13 A. We're not supposed to force people to buy
14 the paper. We're not supposed to ask for money.
15 And that's about it.

16 Q. When you say you're not supposed to ask
17 for money, I mean, obviously you're asking for the
18 money to buy the paper. You mean -- what do you
19 mean you're not supposed to ask people for money?

20 A. We're not supposed to force them to buy
21 the paper or just come out and ask them, oh, can
22 you give me a dollar.

23 Q. Okay. What will happen if you do
24 something like that, if you try to force someone to

1 buy a paper or you ask them for money like a
2 dollar?

3 A. If someone calls in on us, they'll take
4 our badge.

5 Q. Okay. So essentially you lose your job?

6 A. Yes.

7 Q. I want to take you back to August 30,
8 2007. That was a Thursday night. Do you remember
9 that date?

10 A. Yes.

11 Q. Okay. What were you doing that evening?

12 A. Selling papers.

13 Q. Was that for Streetwise?

14 A. Streetwise.

15 Q. Where were you selling papers?

16 A. In front of 7-Eleven.

17 Q. What 7-Eleven, where at?

18 A. On Michigan Avenue.

19 Q. Where on Michigan Avenue, is that kind of
20 in the Loop area?

21 A. In the Loop area.

22 Q. Were you actually right out front of
23 7-Eleven or were you nearby, where were you
24 actually standing?

1 A. I was standing over to the side.

2 Q. Okay. Why is it you weren't standing
3 right in front of the 7-Eleven?

4 A. They don't allow you to stand directly in
5 front of the store.

6 Q. By they, who's they?

7 A. The owner.

8 Q. The owner of the 7-Eleven?

9 A. Yes.

10 Q. And did you -- what did you have on you
11 that evening that indicated that you worked for
12 Streetwise?

13 A. My badge.

14 Q. Did you have the papers with you?

15 A. Yes.

16 Q. While you were selling Streetwise on
17 August 30, 2007, near the 7-Eleven, what happed?

18 A. When I was selling the paper?

19 Q. Yes.

20 A. Can you repeat the question?

21 Q. Sure.

22 That night August 30, 2007, when you were
23 selling the papers near the 7-Eleven, what
24 happened? What occurred?

1 A. Well, I was standing hollering,
2 Streetwise, Streetwise, the newspaper, Streetwise.
3 Guy come up, ask me for 50 cent or a quarter, told
4 him I didn't have it. He went into the store, came
5 out the store, went across the street. Then he
6 come back with a stick, hit me with the stick.
7 Because he told me I wasn't homeless, bitch, you
8 not homeless. Look at you dressed, you're not
9 homeless. Never did I say I was homeless.

10 Q. Well, let me ask you this. This guy who
11 came up, where did he come from?

12 A. Across the street.

13 Q. So the 7-Eleven that you were near, was
14 that on the east or the west side of the street?

15 A. It's on the west side of the street.

16 Q. Okay. So when you say this guy came from
17 across the street, he came from the east side?

18 A. Yes.

19 Q. Okay. And you said he asked you for
20 money?

21 A. Yes.

22 Q. Okay. Did he ask you for a specific
23 amount?

24 A. It was either a quarter or 50 cents.

1 Q. Okay. What did you say to him at that
2 point?

3 A. I told him I didn't have it.

4 Q. Did he say anything else to you at that
5 time?

6 A. Not right at that time, no more than,
7 bitch, you're not homeless.

8 Q. You said he went into the store, would
9 that be the 7-Eleven?

10 A. Yes.

11 Q. Okay. And then you said he came out of
12 the store?

13 A. Yes.

14 Q. When he came out of the store did he have
15 anything with him?

16 A. No.

17 Q. And did he say anything to you when he
18 came out of the store?

19 A. He didn't say anything when he came out
20 the store.

21 Q. And when he came out of the store you said
22 he went across the street, would that be back over
23 to the east side?

24 A. Back to the east side.

1 Q. Did you see what he was doing when he went
2 over to the east side of the street?

3 A. No.

4 Q. Okay. And what were you doing when he
5 walked back over to the east side of the street?

6 A. Still selling my papers.

7 Q. Was it dark outside?

8 A. Yes.

9 Q. All right. Can you tell me -- this is
10 Michigan Avenue. Were there other pedestrians,
11 people walking by in the area?

12 A. Yes.

13 Q. Okay. Did you at any time ask this
14 gentleman who had approached you, did you at any
15 time ask him for money?

16 A. No.

17 Q. Okay. Did you try to force him to buy
18 Streetwise?

19 A. No.

20 Q. Okay. So he went back over to the street
21 after he came out of the 7-Eleven, and then you
22 said he approached you again?

23 A. Yes.

24 Q. What happened then?

1 A. When he approached me again, that's when
2 he told me, bitch, you're not homeless. Look at
3 how you're dressed, look at how you're dressed.
4 You're not homeless.

5 Q. How were you dressed that evening?

6 A. Casual.

7 Q. Okay.

8 A. Clean.

9 Q. When he came back from across the east
10 side of the street that second time after he had
11 come out of the store, did he have anything?

12 A. A stick.

13 Q. Did you see where he got that from?

14 A. No.

15 Q. So he says, bitch, you're not homeless,
16 what happens then?

17 A. An I said, I didn't tell you I was
18 homeless.

19 Q. Did he say anything after that?

20 A. Not that I recall.

21 Q. Okay. Well, did he do anything after you
22 told him that you never said you were homeless?

23 A. He raised the stick, and I asked him what
24 are you raising the stick for. And one word led to

14

1 another.

2 Q. What do you mean by one word led to
3 another?

4 A. We started to arguing.

5 Q. Okay. What were you saying to him? What
6 was he saying to you?

7 A. I was telling him, you don't scare me.

8 Q. What was he saying to you?

9 A. I'll hit you upside your head with this
10 stick.

11 Q. And then what happened?

12 A. I told him, come on with it.

13 Q. Why did you do that?

14 A. Because I wasn't scared of him.

15 Q. So what did he do?

16 A. Popped me on my wrist with the stick.

17 Q. Which wrist?

18 A. My left wrist.

19 Q. What happened after he hit you on the
20 wrist with the stick?

21 A. My watch fell off.

22 Q. Anything else?

23 A. No.

24 Q. What did he do --

1 A. Started to running.

2 Q. Let me ask that full question.

3 What did he do after he hit you on the
4 wrist?

5 A. Started to running.

6 Q. When he hit you on the wrist, did you say
7 anything?

8 A. I just broke and went to running behind
9 him.

10 Q. Why did you start running behind him?

11 A. Because I was going to get him back.

12 Q. What do you mean, get him back?

13 A. Hit him.

14 Q. With what?

15 A. My fist.

16 Q. You didn't have anything with you?

17 A. No.

18 Q. Did he -- when he hit you with the stick,
19 he took off running. What way did he run?

20 A. South.

21 Q. South on Michigan Avenue?

22 A. Yes.

23 Q. Okay. And what happened --

24 A. South and then east. What is that? West,

16

1 south, I'm just trying to -- back to State is west.
2 Southwest.

3 Q. Okay. So he began to run southwest and
4 you were going after him. Was anyone else going
5 after him?

6 A. An officer, I seen him, and then started
7 running behind him.

8 Q. And where was the officer when you first
9 saw him?

10 A. Down by the building on the corner.

11 Q. Okay. The corner of Michigan and
12 Randolph?

13 A. Yes.

14 Q. All right. Were you yelling or shouting
15 anything when you were running?

16 A. Not that I recall.

17 Q. Was anyone else?

18 A. Just people coming behind trying to see
19 what was going on.

20 Q. Okay. You said you saw the officer who
21 was at the corner of Randolph and Michigan. He
22 started to run after the person who hit you with
23 the stick?

24 A. Yes.

1 Q. And did the officer stay anything to the
2 person who had hit you with the stick?

3 A. Told him to stop.

4 Q. Okay. The person who hit you with a
5 stick, did he stop?

6 A. No.

7 Q. Okay. So then what happened? The officer
8 told him to stop, what happened next?

9 A. He kept on chasing him, and then he caught
10 up with him because he stopped for his breath and
11 he asked him to put his hands behind his back. He
12 wouldn't put his hands behind his back. He asked
13 him again. He still wouldn't. So the officer
14 reached for his hand. He snatched it back. And
15 then I looked off. And next thing I saw they was
16 over in the grass.

17 Q. Okay. And the grass, let me go back a
18 minute.

19 You said you looked off. So there was a
20 brief period of time where they were out of your
21 view?

22 A. Yeah.

23 Q. And when you looked back you said they
24 were off in the grass. What grass is this? Where

1 is this?

2 A. The grass in front of the building about
3 right behind the Art Institute. I think that's the
4 Art Institute.

5 Q. Let me ask you this. There's just west of
6 Michigan on Randolph there's kind of a little
7 street that runs south, kind of that runs into
8 Randolph. Is that the street you're talking about?

9 A. Yes.

10 Q. Okay. It's the Cultural Center actually
11 is on the corner of Michigan and Randolph. Is that
12 the building that this street is behind?

13 A. The same building that Metra's in.

14 Q. Okay. There's like some steps that go
15 down into the Metra station. It's the building on
16 that corner?

17 MR. FITZSIMMONS: I'm going to object to this
18 entire line of questioning for the record. It's
19 her testimony, not yours Miss Mayhew.

20 BY MS. MAYHEW:

21 Q. I just want to be clear. You said the
22 same building that's by the Metra station. The
23 Metra station you're talking about, is that the
24 Metra station that's right at Randolph and

1 Michigan?

2 A. Okay. When they fell into the grass it
3 was right across the street from the Metra station
4 building.

5 Q. Okay. And the street, that's the street
6 that's just west -- is that the street that's just
7 west of Michigan Avenue?

8 A. West of Michigan.

9 Q. Okay. And they fell into the grass. Did
10 you actually see them fall?

11 A. No. When I looked around they was in the
12 grass.

13 Q. Okay. And what happened then while they
14 were in the grass? What did you observe?

15 A. They was tussling. He was trying to get
16 the handcuffs on him.

17 Q. When you say he, you mean the officer?

18 A. The officer.

19 Q. And the person who hit you with the stick,
20 what was he doing while the officer was trying to
21 put handcuffs on him?

22 A. Trying to resist.

23 Q. What do you mean by that?

24 A. Didn't let him put them on right off.

1 Q. Okay. And while this was going on did you
2 observe the officer hit this person with a baton
3 during the time that you saw this while they were
4 on the ground?

5 A. No.

6 Q. All right. So they're tussling. They're
7 often the ground. The officer is trying to put the
8 cuffs on him. What happened next?

9 A. Well, he got the cuffs on him.

10 Q. Okay. And where were you standing when he
11 managed to get the cuffs on him?

12 A. Right outside the little fence, standing
13 like in the street.

14 Q. When you say the little fence, what little
15 fence are you talking about?

16 A. There was a little iron fence that they
17 fell off into the grass.

18 Q. There's an iron fence that goes around the
19 area where they fell?

20 A. Yes.

21 Q. Okay. Did you see them fall over this
22 iron fence?

23 A. No.

24 Q. But they were in the area where this fence

1 is?

2 A. Yes.

3 Q. Okay. So you were standing there, and
4 then what happened? He got the cuffs on, and then
5 what happened?

6 A. Then he lifted him up and started walking
7 back towards the station. I followed him.

8 Q. Let me ask, while the officer was trying
9 to put the cuffs on him, this guy who hit you with
10 a stick, was he saying anything?

11 A. He was calling him out his name and
12 cursing.

13 Q. He was calling him a what name, sorry?

14 A. He called him a nigger.

15 Q. This guy who hit you with the stick, did
16 he ever call you that? Did he ever call you a
17 nigger?

18 A. I don't recall.

19 Q. Okay. The guy who hit you with the stick,
20 do you know who he was?

21 A. No.

22 Q. Had you ever seen him before?

23 A. No.

24 Q. Have you seen him since?

1 A. No.

2 Q. All right. The officer who had chased
3 after him and ultimately got the cuffs on him, did
4 you know that officer?

5 A. No.

6 Q. Had you ever seen that officer before?

7 A. No.

8 Q. You indicated the officer was taking him
9 somewhere and you were walking behind. Do you know
10 where the officer was taking him?

11 A. At the time, no.

12 Q. And why were you following?

13 A. To give my statement because I told him I
14 wanted him arrested.

15 Q. And the officer, did you recognize him to
16 be a police officer when you saw him?

17 A. Well, I recognized the uniform.

18 Q. Okay. So what this officer was wearing
19 told you that he was an officer?

20 A. Yes.

21 Q. What did the uniform look like?

22 A. It was black.

23 Q. Did he have a badge?

24 A. Yes.

1 Q. When you're following behind this officer,
2 was the person who hit you with a stick, did he say
3 anything at this point?

4 A. He was telling him to get a real police.

5 Q. Did he say anything else?

6 A. He just kept hollering, get a real police,
7 get a real police, cursing.

8 Q. Did the officer say anything?

9 A. I am a real police.

10 Q. You said the person who hit you with the
11 stick was cursing?

12 A. Yes.

13 Q. Okay. What was he saying?

14 A. Get your damn hands off of me. Get a real
15 police. Get your damn hands off me. You're not a
16 damn police.

17 Q. Okay. And while the officer had the man
18 who hit you handcuffed and was walking him
19 somewhere, you were following behind. At some
20 point did you realize where you were going?

21 A. Well, I figured he was taking him
22 downstairs somewhere to call Chicago police.

23 Q. Okay. Were you joined by any other police
24 officers while this officer who put the handcuffs

24

1 on the man was taking him?

2 A. One.

3 Q. Okay. What happened? Where did this
4 officer come from?

5 A. From out the building.

6 Q. And did you recognize this person as a
7 police officer?

8 A. Yes.

9 Q. How did you recognize him as an officer?

10 A. His uniform.

11 Q. Do you know who he worked for, who he was
12 an officer for?

13 A. Well, you could see the black uniform as
14 we was going down the stairs, the Metra uniform.

15 Q. Okay. And when this other officer joined
16 you had you ever seen that officer before?

17 A. No.

18 Q. Do you know who that officer is?

19 A. No.

20 Q. Have you seen that officer since?

21 A. No.

22 Q. This officer who joined you, what did he
23 do?

24 A. He was just walking.

25

1 Q. Did he say --

2 A. Beside him.

3 Q. I'm sorry, I didn't mean to interrupt.

4 He was just walking beside who?

5 A. The guy and the other officer.

6 Q. When you were joined by this second

7 officer, did he say anything to you?

8 A. No.

9 Q. Did he say anything to the man who was in
10 handcuffs?

11 A. Not that I recall.

12 Q. Okay. Did he say anything to the officer
13 who made the arrest?

14 A. They was -- at first they talked on the
15 walkie-talkie. That's how he got up there.

16 Q. So the officer who ultimately put the
17 handcuffs on the man who hit you with a stick, you
18 saw him use his walkie-talkie or radio or
19 something?

20 A. Yes.

21 Q. Were you able to hear him say something?

22 A. I don't know what he said, though.

23 Q. Okay. You just saw him use it?

24 A. Yes.

1 Q. And then this other officer actually
2 joined you?

3 A. Yes.

4 Q. All right. And so the other officer, did
5 he do anything as you continued to walk and as you
6 walked down the stairs?

7 A. No.

8 Q. The man, the officer who made the arrest,
9 how was he holding the man who hit you with a
10 stick?

11 A. By his arm.

12 Q. Was he behind him, in front of him, to the
13 side? Where was he standing?

14 A. Over to the side holding his arm.

15 Q. Okay. And the second officer who joined
16 you, did he ever also grab on to the man who hit
17 you with a stick on the arm?

18 A. No. He mostly was walking with me.

19 Q. Okay. And did you proceed down the
20 stairs?

21 A. Yes, I did.

22 Q. Okay. And as you were walking down the
23 stairs, where were you in relation to the officer
24 who made the arrest and the man who hit you with

27

1 the stick?

2 A. Right behind him.

3 Q. What did you observe as you were walking
4 down the stairs?

5 A. He dropped his ID.

6 Q. He who?

7 A. The guy that the officer had.

8 Q. How did he do that?

9 A. He had it in his hand handcuffed behind
10 him, and he just dropped his ID. I saw it.

11 Q. Did you say anything?

12 A. Yes.

13 Q. What did you say?

14 A. There's his ID on the ground. He just
15 threw it down.

16 Q. What happened there?

17 A. The officer stopped to pick it up.

18 Q. Which officer, was it the second officer
19 who joined you or was it the first officer?

20 A. The first officer.

21 Q. Okay. And this time while you're walking
22 down the stairs, the man who hit you with the
23 stick, was he saying anything?

24 A. Just was saying, get your damn hands off

28

1 me, call a real police officer.

2 Q. Was he being dragged down the stairs or
3 how was he walking? How was he making it down the
4 stairs?

5 A. Walking, he was walking.

6 Q. All right. And you then followed down the
7 stairs as well?

8 A. Yes.

9 Q. Okay. Then what happened when got
10 downstairs? Where did you go?

11 A. In a room.

12 Q. What did the room look like?

13 A. It had desks around the wall. All I saw
14 was the desks around the walls because he told me
15 to have a seat right there.

16 Q. When you say he told you to have a seat --

17 A. The officer.

18 Q. Let me get my whole question out.

19 When he told you to have a seat, who do
20 you mean?

21 A. The officer.

22 Q. Which officer told you to have the seat,
23 the second one who joined you or the first one?

24 A. The first one.

1 Q. Okay. And did you have a seat?

2 A. Yes.

3 Q. All right. What happened with the man who
4 had hit you with a stick when you all went into
5 this room and you were asked to have a seat?

6 A. He took him to a room.

7 Q. Okay. He being the officer?

8 A. The officer.

9 Q. Okay. And would that be the same officer
10 who put the handcuffs on him?

11 A. Yes.

12 Q. And what did he -- did you see what he did
13 when he took him to this room?

14 A. No.

15 Q. Did you ever see the man who hit you with
16 the stick again?

17 A. No.

18 Q. Were you able to hear the man who hit you
19 with the stick?

20 A. Yes.

21 Q. What were you hearing while you took a
22 seat?

23 A. He was cursing.

24 Q. What was he saying?

1 A. Get a real damn police. You not a real
2 police. Get a fucking real police. You're not a
3 police. And beating on the wall.

4 Q. Okay. Beating on the wall, beating on
5 what wall?

6 A. Where he was at inside a room or whatever
7 that was.

8 Q. The officer who put the handcuffs on him
9 and took him into that room, what happened to that
10 officer after he took the man who hit you into this
11 room?

12 A. Came over and took my statement.

13 Q. Okay. So he didn't stay in the room with
14 the man who had hit you?

15 A. No.

16 Q. Okay. What happened to that second
17 officer who had joined you, what did he do?

18 A. He left out the little area.

19 Q. Okay. Did he go into the room where they
20 put the man who hit you with the stick?

21 A. No.

22 Q. So the officer who had made the arrest, he
23 came over and took your statement you said?

24 A. Yes.

1 Q. What statement did you provide?

2 A. That he had hit me with the stick.

3 Q. Okay. Did you sign a complaint?

4 A. Yes, I did.

5 Q. I'm going to show you -- we'll go ahead
6 and mark it as Coleman Exhibit Number 1.

7 (Whereupon, Coleman Deposition Exhibit No. 1 was
8 marked for identification.)

9 BY MS. MAYHEW:

10 Q. All right. So we have this which has been
11 marked as Coleman Deposition Exhibit Number 1. I
12 want you to take a look at that, okay?

13 A. Yes.

14 Q. Let me know when you're done looking at
15 it.

16 A. I've looked at it.

17 Q. Do you recognize that document?

18 A. Yes.

19 Q. What is that document?

20 A. Where I was telling the police officer he
21 hit me with a stick.

22 Q. So is that document the complaint that you
23 signed?

24 A. Yes.

1 Q. Okay. Is that a true, fair and accurate
2 copy of the complaint that you signed?

3 A. Yes.

4 Q. All right. You see maybe about a little
5 over halfway down the page there's a place where
6 there's a signature and your address, 11029 South
7 Parnell, that signature, is that your signature?

8 A. The name is my signature.

9 Q. Okay. When you signed this complaint, did
10 anyone force you to sign it?

11 A. No.

12 Q. Were you threatened to sign?

13 A. No.

14 Q. How did you come about signing this
15 complaint?

16 A. I asked to sign it.

17 Q. I want to take you back a minute to when
18 you were on Michigan Avenue selling this
19 Streetwise.

20 Was this a 7-Eleven that was between Lake
21 and Randolph?

22 A. Yes.

23 Q. Okay. And --

24 A. Wait a minute, wait a minute. I have to

1 think where Lake is. This is Randolph. Yes, it
2 was between Lake and Randolph.

3 Q. And was there anyone outside with you
4 selling the Streetwise?

5 A. No.

6 Q. Were you -- you were on your own by
7 yourself at the time?

8 A. Yes.

9 Q. All right. At any time after you had been
10 hit with the stick did you hear anyone in the
11 streets or anyone shouting that someone had been
12 hit with a stick?

13 A. Yes.

14 Q. Okay. When did you hear that?

15 A. When I was chasing him.

16 Q. Do you know who made that comment?

17 A. It was a female.

18 Q. Do you know where the female was?

19 A. Standing right by the bus stop.

20 Q. Did she ever come up to you, give you her
21 name or anything like that?

22 A. No.

23 Q. While you were down in the police office
24 you were signing the complaint. Did anyone else

1 join you in the police office?

2 A. Two Chicago police officers came down.

3 Q. Okay. And what happened when the Chicago
4 police officers came down?

5 A. They told the Metra officer, you got him,
6 you all might as well do the paperwork.

7 Q. Okay. And when the Chicago police
8 officers were down there, the man who had hit you
9 with a stick, were you able to hear him?

10 A. When the Chicago police officers were down
11 there?

12 Q. Yes.

13 A. Yes.

14 Q. What was he doing? What was he saying?

15 A. I want a real police. You're not a
16 fucking police officer. I want a real police
17 officer.

18 Q. Did the Chicago police say anything at
19 that time?

20 A. No.

21 Q. What about the Metra police officers, did
22 they say anything at that time?

23 A. They didn't say anything to the guy.

24 Q. At any time did you ever see any Metra

1 police officer hit the man who hit you with a
2 stick?

3 A. No.

4 Q. What happened then after you signed the
5 complaint after the Chicago police came down?

6 A. They called the ambulance and I left, went
7 to the hospital.

8 Q. Did you ever get a copy of this complaint
9 to keep yourself?

10 A. Not that I recall.

11 Q. After you went to the hospital did you
12 ever see any of the officers again?

13 A. No.

14 Q. There was a court date where the man who
15 hit you with the stick was going to appear, and he
16 was being charged with the complaint that you
17 signed as well as another issue. You were not
18 present in court that day to testify?

19 MR. FITZSIMMONS: I'm going to object to this.
20 Are you testifying for her?

21 MS. MAYHEW: No. I'm setting the stage so I
22 can ask the question.

23 MR. FITZSIMMONS: Note the objection.

24 MS. MAYHEW: Sure.

1 BY MS. MAYHEW:

2 Q. Why didn't you go to court?

3 A. I wasn't notified.

4 MS. MAYHEW: I think that's all I have at this
5 time. I'm sure Mr. FitzSimmons has some for you.

6 EXAMINATION

7 BY MR. FITZSIMMONS:

8 Q. All right. Miss Coleman, my name is Joe
9 FitzSimmons. I'm the attorney for Matthew
10 Granberg. We need some information from. First of
11 all, you've said your age is 52.

12 What is your birth date?

13 A. 1-23-57.

14 Q. So it'll be the 23rd day of January 1957?

15 A. Yes.

16 Q. Where were you born?

17 A. Chicago, Illinois.

18 Q. Do you know what hospital you were born
19 at?

20 A. A housewife baby.

21 Q. Pardon me?

22 A. Housewife baby, midwife, whatever you call
23 it.

24 Q. Are you married?

37

1 A. No.

2 Q. Have you ever been married?

3 A. Yes.

4 Q. When were you married for the first time?

5 A. 19 -- I think 1991.

6 Q. And what was the name of your husband?

7 A. Hollis.

8 Q. Hollis?

9 A. Hollis Johnson.

10 Q. The name you have now, Coleman, is that
11 your birth name?

12 A. Yes.

13 Q. You were married to Hollis Johnson in
14 1991. Where did that marriage take place at?

15 A. Cook County, city hall.

16 Q. Are you divorced from Hollis Johnson?

17 A. He's deceased.

18 Q. When did he die?

19 A. In -- what's this, 2009? I think he
20 passed in 2005.

21 Q. Have you ever been married to anyone else?

22 A. No.

23 Q. Okay. You've indicated you have three
24 children; is that correct?

1 A. Yes.

2 Q. You have a child that's 33 years old?

3 A. Yes.

4 Q. What is the name of that child?

5 A. Anthony Coleman.

6 Q. You have a child who's 19 years?

7 A. Tanika Leonard.

8 Q. How do you spell that?

9 A. T-a-n-i-k-a.

10 Q. Leonard?

11 A. Yes.

12 Q. That's a girl I take it?

13 A. Yes.

14 Q. You have a child that's 17 years old?

15 A. Terrence Coleman.

16 Q. Terrence?

17 A. Yes.

18 Q. And was Terrence a child born into your
19 marriage with Hollis Johnson?

20 A. Yes.

21 Q. Where does Anthony Coleman live now?

22 A. He live by his self.

23 Q. In the state of Illinois, in Cook County,
24 in another state, another country?

1 A. In Illinois.

2 Q. Specifically does he live at 11029 South
3 Parnell?

4 A. No.

5 Q. Tanika Leonard, where does Tanika live?

6 A. 12245 South Parnell.

7 Q. 1225?

8 A. 45.

9 Q. 45, South Parnell?

10 A. Yes.

11 Q. And who does she live there with?

12 A. My sister.

13 Q. Terrence Coleman, where does Terrence live
14 at?

15 A. Same place as Tanika.

16 Q. 12245?

17 A. Yes.

18 Q. So neither one of your children live with
19 you; is that correct?

20 A. Right.

21 Q. Does Terrence Coleman still go to school?

22 A. Yes, he do.

23 Q. What school does he go to?

24 A. Crane.

1 Q. Crane?

2 A. Corliss.

3 Q. Is that in the city of Chicago?

4 A. Yes, it is.

5 Q. Okay. You've indicated you live at
6 11029 South Parnell for the last ten years; is that
7 correct?

8 A. Yes.

9 Q. Okay. Do you own that house?

10 A. No.

11 Q. What is the nature of that building that's
12 located there? Is it a single-family residence or
13 is it a multi-unit building like an apartment
14 building?

15 A. It's a single-family residence.

16 Q. Okay. Who owns the building there, if you
17 know?

18 A. My sister and her husband.

19 Q. What is your sister and her husband's
20 name?

21 A. Annette White and Alfred White.

22 Q. Do you pay rent to them?

23 A. Yes.

24 Q. How much rent do you pay a month?

1 A. 400.

2 Q. \$400 a month?

3 A. Yes.

4 Q. At any time in the ten years you've lived
5 at 11029 South Parnell have any of your children
6 resided at that address with you?

7 A. No.

8 Q. Are any of your children or have -- repeat
9 the whole question.

10 Have any of your children ever been wards
11 of the state of the department of children and
12 family services?

13 MS. MAYHEW: Object to relevance.

14 THE WITNESS: I don't feel like I should answer
15 that.

16 BY MR. FITZSIMMONS:

17 Q. Are you refusing to answer?

18 A. Yes.

19 Q. Okay. Well, I'm going to go into the
20 federal court to Judge Shadur sometime in the next
21 two weeks, and I'm going to get Judge Shadur to
22 give me an order to answer that question. Do you
23 understand?

24 MS. ROSEN: If Judge Shadur agrees with you.

1 We think that she's on good footing not to go into
2 her entire personal life.

3 BY MR. FITZSIMMONS:

4 Q. Let me ask you something.

5 Do either of these two attorneys represent
6 you?

7 A. No.

8 Q. Okay. When is the first time you met
9 either one of these attorneys?

10 A. A few months back.

11 Q. Okay. Well, let's talk about that for a
12 minute.

13 Which attorney did you meet first?

14 A. I met both of them, both of them.

15 Q. Where did you meet them at?

16 A. At lunch.

17 Q. At lunch.

18 Did they buy lunch?

19 A. Yes.

20 Q. Okay. Where was that lunch at?

21 A. On Madison.

22 Q. Do you know where --

23 A. And Clark.

24 Q. Madison and Clark.

1 So they paid for your lunch, correct?

2 A. Yes.

3 Q. Have they given you any other kind of
4 money or compensation? Did they pay you to come
5 here today? Yes or no?

6 MS. MAYHEW: Other than the mandatory federal
7 subpoena mileage required.

8 BY MR. FITZSIMMONS:

9 Q. Well, let's find out. Did they pay you
10 the mandatory federal subpoena mileage requirement?

11 A. \$58.

12 Q. \$58?

13 A. To get here.

14 Q. Okay. And they bought you lunch two
15 months ago, right?

16 A. Yes.

17 Q. Okay. And where was that lunch at?

18 A. Maxie's on Madison and Clark.

19 Q. What time of day did you meet them?

20 A. About 11.

21 Q. Okay. And how long did that meeting last?

22 A. About 40 minutes.

23 Q. Okay. Now, did either one of these
24 attorneys, Miss Mayhew or Miss Rosen tell you about

1 this case?

2 A. They told me that I would have to give a
3 statement.

4 Q. Did they discuss what their clients
5 positions are in this statement? In other words,
6 did they discuss the facts with you?

7 A. I'm not understanding the question.

8 Q. Okay. Did they tell you what happened in
9 this incident?

10 A. Did they tell me?

11 Q. Did they talk about the events of
12 August 30, 2007?

13 A. Yes.

14 Q. Did they talk about the nature of the
15 lawsuit that my client has brought against the
16 Metra police officers?

17 A. Yes.

18 Q. Okay. And did they tell you, in fact,
19 that my client has made a claim before a federal
20 court judge that the Metra police officers violated
21 his constitutional rights because he is a White man
22 and they are African American police officers? Did
23 they let you know that?

24 A. Not that I recall.

1 Q. What did they tell you about the nature of
2 the lawsuit?

3 A. They just told me that the guy was trying
4 to sue Metra police.

5 Q. Did they identify the Metra police
6 officers by name?

7 A. I don't even recall because it's been a
8 while.

9 Q. Okay. It's been two months, right?

10 A. Yes, but I've been sick, too.

11 Q. But in the two months that have passed,
12 that's been enough time for you to have forgotten
13 what was the conversation at lunch that day; is
14 that correct?

15 MS. MAYHEW: I'm just going to object for a
16 second because I think it's a mischaracterization
17 of the testimony. I think she said a few months
18 back, not two.

19 BY MR. FITZSIMMONS:

20 Q. How many months back was it?

21 A. It was a few.

22 Q. Okay. Can you point to a particular month
23 that you met with them?

24 A. I can't recall what month it was.

1 Q. Okay. So it's been so long you can't even
2 recall when it was; is that correct? Yes or no,
3 ma'am, is that correct?

4 A. Yes.

5 Q. You indicated you went to a hospital on
6 the night of August 30 after this incident
7 occurred; is that correct?

8 A. Yes..

9 Q. Did you pay that hospital bill?

10 A. No.

11 Q. Who paid for that hospital bill?

12 A. No one.

13 Q. How about the Illinois Department of
14 Public Aid?

15 A. No.

16 Q. Are you on public aid?

17 A. Now I am.

18 Q. Okay. Have you ever -- when you say now,
19 how long have you been on public aid this time?

20 MS. MAYHEW: I'm just going to object to
21 relevance.

22 THE WITNESS: Does that have anything to do
23 with this case?

24 BY MR. FITZSIMMONS:

1 Q. Yeah, it does. It has a lot to do with
2 your credibility, and that's why I'm asking the
3 question. You come in here. You made certain
4 statements that accuse my client of misconduct. I
5 have a right to know your mental background, your
6 physical background, your health background and
7 what kind of a person you are.

8 MS. ROSEN: I'm going object to that. You
9 don't have the right to go into certain things. If
10 she's going to tell you --

11 MR. FITZSIMMONS: Does this attorney represent
12 you?

13 MS. ROSEN: I'm an officer of the court. You
14 know very well that I can -- that neither of us
15 represent her.

16 MR. FITZSIMMONS: I'm fighting with two
17 attorneys now. Generally the protocol in a
18 deposition is for one attorney to represent the
19 party and one attorney to represent the other
20 party.

21 MS. MAYHEW: That's fine. I made my objection
22 as to relevance, and I made that objection because
23 I don't feel that it is relevant to this particular
24 case. I don't think that the judge is going to

1 agree that you do have a right to go into every
2 little detail about her life. I thinks it's just
3 going to have to be what the judge believes is
4 germane to her ability to answer questions here
5 today. And so, you know, I made my objection. I
6 don't represent her. I cannot direct her what to
7 do as you know, and I've not done so.

8 MS. ROSEN: But I will say that if she doesn't
9 want to answer the question, I do not believe any
10 court is going to force her to answer whether or
11 not she's on public aid or when she was on public
12 aid.

13 BY MR. FITZSIMMONS:

14 Q. Okay. You indicated you're employed by
15 Streetwise. Were you employed by Streetwise on
16 August 30, 2007?

17 A. Yes.

18 Q. Are you employed by Streetwise today?

19 A. Yes.

20 Q. Okay. Have you been employed by
21 Streetwise continuously between August 30, 2007,
22 and today, June 12, 2009?

23 A. Well, I haven't worked since January
24 because I've been sick.

1 Q. Are you still considered an employee?

2 A. Yes, yes.

3 Q. Okay. Now, at any time during your
4 employment by Streetwise have you received Illinois
5 Department of Public Aid funds?

6 MS. MAYHEW: Object as to relevance. Again I
7 don't think that it has anything to do with this
8 case.

9 BY MR. FITZSIMMONS:

10 Q. Well, let me make the question a little
11 more clearer.

12 At any time in the 17 years you've been an
13 employee and receiving employment compensation by
14 Streetwise have you also received compensation from
15 the Illinois Department of public aid as a public
16 aid recipient? Yes or no?

17 MS. MAYHEW: Objection as to relevance.

18 THE WITNESS: I don't feel I should to answer
19 those questions.

20 BY MR. FITZSIMMONS:

21 Q. Okay.

22 A. They have nothing to do with this.

23 Q. What is the extent of your education?

24 A. 11th grade.

1 Q. Where did you go to school?

2 A. Wendell Phillips.

3 Q. Is that in the City of Chicago?

4 A. Yes.

5 Q. You indicated you had vocational training
6 when Miss Mayhew asked you that question. What
7 vocational training have you had after the 11th
8 grade?

9 A. I went to -- I forgot what school it was.

10 Q. Pardon me?

11 A. I forgot what school it was.

12 Q. Can you tell us when it was?

13 A. It was in early '80s.

14 Q. And what was the nature of the vocational
15 training that you undertook?

16 A. I took up cooking.

17 Q. It was a cooking school?

18 A. Yes.

19 Q. Was it a school that would have given you
20 vocation as a commercial chef or a commercial
21 kitchen staff?

22 A. Staff.

23 Q. Okay. Now, have you ever been employed in
24 that field after that vocational training?

1 A. Yes.

2 MS. MAYHEW: Object to relevance.

3 BY MR. FITZSIMMONS:

4 Q. Okay. Let's talk about your employment
5 background then. After you got out of Wendell
6 Phillips High School what's the first job you had?

7 MS. MAYHEW: Objection, relevance. You can
8 answer. Go ahead. I just need to state my
9 objections for the record.

10 THE WITNESS: I worked at Service System.

11 BY MR. FITZSIMMONS:

12 Q. And what is Service System?

13 A. It's a restaurant.

14 Q. What did you do there?

15 A. Serve people food.

16 MS. MAYHEW: Can I have a standing objection so
17 I don't have to have object to every question?

18 MR. FITZSIMMONS: That's fine. That's what I
19 would suggest.

20 BY MR. FITZSIMMONS:

21 Q. For how long did you hold that position?

22 A. About a year.

23 Q. What was your next job after that?

24 A. Gift Pack.

1 Q. Gift Pack?

2 A. Yes.

3 Q. Where is that located?

4 A. It was on 45th and Troop.

5 Q. How long did you work there?

6 A. I only worked during the summers.

7 Q. During the summers?

8 A. Yes.

9 Q. Okay. What years did you work for the
10 summers for gift Pack?

11 A. I don't recall.

12 Q. Do you recall about how old you were?

13 A. 20.

14 Q. Okay. Did you have any jobs after Gift
15 Pack?

16 A. One I think.

17 Q. And what was that?

18 A. What job was that? I don't even remember
19 the name because I only worked a few days. Instant
20 Printing.

21 Q. Instant Printing, where were they located
22 at?

23 A. They used to be in the Board of Education
24 building.

1 Q. And you worked there for only a few days
2 you say?

3 A. Yes.

4 Q. Okay. How old were you when you worked at
5 Instant Printing?

6 A. I was about 23, 22, 23.

7 Q. Have you had any jobs other than
8 Streetwise since the Instant Printing job?

9 A. No.

10 Q. Have you ever been in the military?

11 A. No.

12 Q. How many times have you been arrested in
13 your life?

14 MS. MAYHEW: Objection, relevance. Just let me
15 state not calculating to lead to admissible or the
16 discoverable testimony evidence especially since we
17 already covered convictions, and certainly anything
18 more than ten years would not be admissible even if
19 it were a conviction.

20 MR. FITZSIMMONS: She said she wasn't
21 convicted. I have a right to look into it. I have
22 a right to look into every jurisdiction that's
23 she's been arrested in to see if she was lying or
24 telling the truth.

1 MS. MAYHEW: I understand that, but at the same
2 time certainly even if this were in trial right now
3 in court, if she had a conviction, anything over
4 ten years would not be admissible regardless. So
5 I'm just stating my objection.

6 MR. FITZSIMMONS: But if she lied when you
7 asked a question, her lie would be admissible to
8 show deception. So I'm going to repeat it again.

9 MS. ROSEN: Actually that's not true. That's
10 not true. And that's going to be a ruling from the
11 court.

12 MS. MAYHEW: I'm stating my objection and the
13 reason for it. Obviously you're going to ask
14 whatever you want to ask, and I'm just going to
15 maintain my objections. And may I have a standing
16 objection as to this issue as well.

17 MR. FITZSIMMONS: That's fine.

18 BY MR. FITZSIMMONS:

19 Q. Have you ever been arrested?

20 A. Yes.

21 Q. How many times have you been arrested?

22 A. Two.

23 Q. And what police agencies if you recall
24 have arrested you?

1 A. 51st Street District.

2 Q. And that would be the Chicago Police
3 Department; is that correct?

4 A. Yes, yes.

5 Q. What have you been arrested for?

6 A. I don't feel I need to answer that.

7 Q. Okay. Have you ever used illegal drugs?

8 MS. MAYHEW: Objection, relevance.

9 BY MR. FITZSIMMONS:

10 Q. Have you ever used illegal drugs?

11 A. I don't think I should answer that.

12 Q. Okay. Have you used any illegal drugs
13 before you came here today?

14 A. No.

15 Q. Have you used any kind of drugs or
16 medication within the last 24 hours?

17 A. Medication.

18 Q. What kind of medication are you on?

19 A. Blood pressure.

20 Q. Can you -- do you know the name of the
21 medication?

22 A. Not right off.

23 Q. Is it a prescription medication?

24 A. A prescription medication from the Cook

1 County Hospital.

2 MS. MAYHEW: Again, I'll just make if I can a
3 standing objection as to relevance, unless she's on
4 some sort of medication that there's some
5 foundation that it affects her ability to
6 understand or answer questions.

7 MR. FITZSIMMONS: We haven't gone through all
8 her medication yet. She's only named the first
9 one.

10 MS. MAYHEW: If I can go ahead, I mean, I'm
11 obviously not a doctor. I don't know what every
12 medication is. I'm just going to make that
13 objection if I could.

14 MR. FITZSIMMONS: All right.

15 BY MR. FITZSIMMONS:

16 Q. You have high blood pressure medication
17 prescribed by Cook County hospital; is that
18 correct?

19 A. Yes.

20 Q. Who is your doctor there?

21 A. Dr. Nellop (phonetic).

22 Q. How do you spell that?

23 A. I don't know.

24 Q. Okay. What other medication are you on?

57

1 A. For diabetic.

2 Q. And what medication is that?

3 A. I don't even know the name of it.

4 Q. How long have you been a diabetic?

5 A. They diagnosed me in January.

6 Q. What other medication are you taking
7 besides high blood pressure and diabetic
8 medication?

9 A. That was prescribed by the County?

10 Q. No, for anything.

11 A. Well, I take methadone.

12 Q. Methadone?

13 A. Yes.

14 Q. How long have you taken methadone?

15 A. Since -- I forgot when I got on the
16 program.

17 Q. Where do you get your methadone from?

18 A. 75th and Langley.

19 Q. And what is the name of the --

20 A. Nu Way.

21 Q. Nu Way?

22 A. Yes.

23 Q. At 75th and Langley; is that right?

24 A. Yes.

1 Q. Okay. What is Nu Way?

2 A. It's a methadone clinic.

3 Q. How many years have you been going to Nu
4 Way methadone clinic?

5 MS. MAYHEW: I'm going to object again as to
6 relevance.

7 MR. FITZSIMMONS: Let me back up.

8 BY MR. FITZSIMMONS:

9 Q. When is the last time you had methadone?
10 When is the last time you used methadone?

11 A. Yesterday.

12 Q. How long have you been going there?

13 MS. ROSEN: What is the relevance of it, Joe?

14 MR. FITZSIMMONS: What is the relevance?

15 MS. MAYHEW: In terms of --

16 MS. ROSEN: Hold on. I want to hear the
17 relevance.

18 MR. FITZSIMMONS: I believe that I would be
19 able to get an expert to say that the methadone
20 that she takes, and I'm going to ask if she took it
21 within 72 hours of August 30, that it impairs her
22 judgment and her memory. What we're getting at now
23 is this witness is a recovering heroin addict.
24 That's the only way you get methadone. Yeah,